

REMARKS

The present application is directed to compositions comprising oligosaccharide substances capable of modulating apoptosis dysfunction. Claims 11-28 are currently pending, of which Claims 14-18, 20-22 and 24-28 have been allowed. Applicant has herein amended Claims 11, 19 and 23 and respectfully requests consideration of the present claims in view of the foregoing amendments and the following remarks.

Claim Objections

In the July 28, 2003 Office Action, the Examiner objected to Claim 11 stating that a word such as “moiety” or “unit” should follow the word “branching” in order to complete the clause. Applicant has herein amended Claim 11 in response to the rejection under 35 USC 102(b) (discussed below), and accordingly this objection is rendered moot.

Rejection of Claims 11-13, 19 and 23 under 35 U.S.C. §102

I. In the July 28, 2003 Office Action, the Examiner rejected Claims 19 and 23 under 35 USC 102(b) as being anticipated by Applicant’s “acknowledgment at page 5, line 25-page 6, line 13 where it is acknowledged that the product as defined in claim 19 was known by others”. Applicant respectfully traverses.

The “acknowledgment” to which the Examiner refers does not concern the *product* in itself but rather it concerns the methods used, on the one hand, to determine the total saccharide content of the product and, on the other hand, to determine the distribution profile by size of the different saccharides constituting the product. Applicant regrets any confusion caused by the wording of the referenced sections.

The Examiner had stated that respecting Claim 23, because it recites “comprising”, it reads on the entire product and not just the DP7 fraction. In an effort to facilitate prosecution, Applicant has herein amended Claim 23 to recite “consisting of”.

Reconsideration and withdrawal of the rejection directed to Claims 19 and 23 under 35 USC 102(b) is therefore respectfully requested.

II. In the July 28, 2003 Office Action, the Examiner rejected Claims 11-13 under 35 USC 102(b) as being anticipated by Williams et al., Carbohydrate Research, 235 (1992), 247-257, or by Tanaka et al (US 5,641,643).

In an effort to facilitate prosecution, Applicant has herein amended Claims 11-13 to recite medicinal compositions comprising oligosaccharides wherein said oligosaccharides are derived by enzymatic or chemical process from sulfated galactans. In contrast, Williams et al., as well as Tanaka et al., refer only to oligosaccharides derived from (1→ 3)- β -glucans, i.e. products which are different from the active principle comprised in the medicine according to claims 11-13.

Furthermore, Applicant emphasizes that carrageenans, agars and porphyrans are oligosaccharides derived from sulfated galactans, i.e. oligosaccharides in which the basic unit is galactose, (whereas in glucans, the basic unit is glucose).

Since the basic unit is different from the basic unit of glucans, the structure of carrageenans, agars or porphyrans is different from the structure of the oligosaccharide derived from glucans.

In light of the foregoing, Applicant respectfully submits that Claims 11-13 as amended are patentable in view of Williams et al. and Tanaka et al.

Conclusion

For at least the reasons given above, Applicants respectfully submit that Claims 11-13, 19 and 23 as well as allowed Claims 14-18, 20-22 and 24-28 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Applicants submit that the claims in the present application are in condition for allowance, and such action is courteously solicited. The Examiner is invited and encouraged to contact the undersigned attorney of record at telephone number listed below, if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,



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